

E-FILED on 09/29/08IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISIONDAVID ALMEIDA, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

Google, INC., a Delaware Corporation; and
Does 1 through 10, inclusive,

Defendants.

No. C-08-02088 RMW

ORDER DENYING DEFENDANT'S
ADMINISTRATIVE REQUEST TO RELATE
CASES**[Re Docket No. 16]**

Defendant Google moves to relate this action with *RK West v. Google, Inc.*, Case No. C-08-03452 RMW, *Pulaski & Middleman, LLC v. Google, Inc.*, Case No. C-08-0388 SI, and *Levitte v. Google, Inc.*, Case No. C-08-3369 JW. All parties agree that the three cases sought here to be related are themselves related. Therefore, the only question for the court is whether those cases relate to the instant one, which bears the lowest docket number.


It appears that, though in all four cases the defendant is Google and the case concerns the Adwords program, the similarity ends there. *RK West*, *Pulaski & Middleman*, and *Levitte* all deal with Google ads posted on "parked domains" and "error pages," whereas this case concerns Google charging customers for content ads who, during the Adwords bidding process, left the "CPC content bid" input blank. Furthermore, the proposed class in this case does not appear to overlap with the

1 proposed classes in *RK West, Pulaski & Middleman*, and *Levitte*. See Joint Opp'n to Mot. to
2 Consider Whether Cases Should Be Related, 2-3.

3 This order only determines that *Almeida* is not related to *RK West, Pulaski & Middleman*,
4 and *Levitte*. It does not determine whether those cases are related to each other. That issue is before
5 Judge Ware, whose *Levitte* case has the lowest docket number of the three.

6 Accordingly, the court denies defendant's motion to relate.

7
8 DATED: 09/29/08


RONALD M. WHYTE
United States District Judge

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11 Counsel are responsible for distributing copies of this document to co-counsel that have not
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13
14 **Dated:** 09/29/08

JAS
Chambers of Judge Whyte